

From: Finnegan, Timothy

Sent: 11/8/2015 12:23:01 PM

To: TTAB EFiling

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 86293520 - OLD AMERICANA - LMDL-103-TM - Request for  
Reconsideration Denied - Return to TTAB

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Attachment Information:

Count: 1

Files: 86293520.doc

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION SERIAL NO.** 86293520

**MARK:** OLD AMERICANA



**CORRESPONDENT ADDRESS:**

MOLLY B. MARKLEY

YOUNG BASILE HANLON & MACFARLANE P.C.

3001 W BIG BEAVER RD STE 624

TROY, MI 48084-3107

**GENERAL TRADEMARK INFORMATION:**

<http://www.uspto.gov/trademarks/index.jsp>

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**APPLICANT:** Luca Mariano Distillery LLC

**CORRESPONDENT'S REFERENCE/DOCKET NO:**

LMDL-103-TM

**CORRESPONDENT E-MAIL ADDRESS:**

docketing@youngbasile.com

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE:** 11/8/2015

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. See 37 C.F.R. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirement(s) and/or refusal(s) made final in the Office action dated 4/11/2015 are maintained and continue to be final: Section 2(d) refusal with regard to Reg. No.

3454378 and a required disclaimer of “OLD.” *See* TMEP §§715.03(a)(ii)(B), 715.04(a). In the present case, applicant’s request has not resolved all the outstanding issue(s), nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue(s) in the final Office action. In addition, applicant’s analysis and arguments are not persuasive nor do they shed new light on the issues. Applicant has presented no “AMERICANA” evidence that is pertinent to the applicant’s goods, namely, alcoholic beverages. Instead, applicant presents information about music, art, and soft drinks. Accordingly, the request is denied.

If applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. *See* TMEP §715.04(a).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); *see* 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); *see* TMEP §§715.03, 715.03(a)(ii)(B), (c).

/Timothy J. Finnegan/

Examining Attorney

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